

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
May 03, 2024
LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
DEPUTY CLERK

JOSHUA ADAM STILTNER,

Plaintiff,

V.

DUFFIELD REGIONAL JAIL, ET AL.,

Defendants.

Case No. 7:23CV00594

OPINION

JUDGE JAMES P. JONES

Joshua Adam Stiltner, Pro Se Plaintiff; Brian J. Brydges, JOHNSON, AYERS & MATTHEWS, P.L.C., Roanoke, Virginia, for Defendant Duffield Regional Jail; Taylor D. Brewer and Sophia M. Brasseux, MORAN REEVES & CONN PC, Richmond, Virginia, for Defendant Wexford Health Sources.

The plaintiff, Joshua Adam Stiltner, a Virginia inmate proceeding pro se, filed these civil rights action under 42 U.S.C. § 1983, alleging that the defendants violated his constitutional rights. On November 2, 2023, and December 8, 2023, the defendants filed separate Motions to Dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. At the time of each filing, the court mailed a Notice advising Stiltner that the court would give him twenty-one days to submit any further counter-affidavits or other relevant evidence contradicting, explaining or avoiding the defendant's evidence before ruling on the summary judgment motion. The Notice warned Stiltner that if he did not respond to the motions, the court would assume that he had lost interest in the case or that he agrees with the defendants'

arguments for dismissal. The Notice advised Stiltner that if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion” and if he did not file some response to the defendants’ motions within the twenty-one day period, the Court might “dismiss the case for failure to prosecute.” Notices, ECF Nos. 11, 18.

The time allotted for Stiltner to respond to the defendants’ motions has passed, and he has failed to comply with the described conditions. Accordingly, I will dismiss the action and the pending motions without prejudice.

An appropriate Final Order will issue herewith.

ENTER: May 3, 2024

/s/ JAMES P. JONES
Senior United States District Judge